

REMARKS

Claims 2-6, 17-19, and 21-22 are pending in the application. Claims 2-5 have been revised to clarify that the invention comprises a container with noodles and at least one teabag of the invention. The noodles are prepared by a process as set forth in the revised claims. Claims 3-5 have been revised to clarify that the radish and bean sprout juices are contained with other ingredients in a wrapper. Support for these revisions can be found at least in the specification as published in paragraphs [0002], [0017], [0020], [0022] and in the claims as filed.

Claim 9 has been canceled without prejudice to the re-presentation of the subject matter in a continuing application.

Claims 21 and 22 have been clarified to feature the formation of a vegetable broth with noodles. Support for these revisions can be found throughout the specification and in the claims as filed and revised.

No new matter has been introduced, and entry of the above revised claims is respectfully requested.

Requirement To Submit New Abstract

The Examiner indicated that a new Abstract should be submitted, which should begin on a new page. Attached is a new Abstract page to be inserted with the specification. No new matter has been included.

Submission Of Revised Drawings

The Examiner indicated that Fig. 1 should be revised to include “Prior Art” nature of the drawing. Attached is a revised Fig. 1, which addresses this requirement. No new matter has been included.

Alleged Rejection under 35 U.S.C. §112, Second Paragraph

Claims 2-6, 9, 17-19 and 21-22 have been rejected as allegedly indefinite. As an initial matter, Applicants note that claim 9 has been canceled, so the rejections may be withdrawn with respect to this claim.

With respect to the rejections based on the term “large” in the claims (Office Action, page 3), Applicants note that the claims have been revised to delete this term. Applicants therefore believe the rejection may be withdrawn with respect to this term.

With respect to the rejections based on the term “fragrant” in the claims (Office Action, page 3), Applicants note that the claims have been revised to delete this term. Applicants therefore believe the rejection may be withdrawn with respect to this term.

With respect to the rejections based on the phrase “A noodle product” in the claims (Office Action, pages 3-5), Applicants note that the claims have been revised to clarify that the noodle product components comprise noodles and teabags, and in claims 3-5, wrappers. Applicants therefore believe the rejection may be withdrawn with respect to this phrase.

With respect to the rejections based on the phrase “a conventional powdered soup base” in the claims (Office Action, pages 2-3), Applicants note that the claims have been revised to

clarify that the teabags include “powdered soup base” together with other ingredients.

Applicants therefore believe the rejection may be withdrawn with respect to this phrase.

With respect to the rejections based on the term “pollack” in the claims (Office Action, pages 5-6), Applicants note that the claims have been clarified by removing “pollack” from the recitation of vegetables. Applicants therefore believe the rejection may be withdrawn with respect to this term.

With respect to the rejections based on the phrase “additional wrapper” in the claims (Office Action, page 6), Applicants note that the claims have been clarified by indicating that radish and bean sprout juices and powdered soup base are contained in a wrapper in claims 3-5. Applicants therefore believe the rejection may be withdrawn with respect to this phrase.

With respect to the rejections against claims 21 and 22 (Office Action, pages 6-7), the claims have been clarified to reflect that the noodle product comprising noodles and a teabag of claim 2 are exposed to water to result in the formation of vegetable broth with noodles. Applicants therefore believe the rejection may be withdrawn with respect to these claims.

Alleged Rejection under 35 U.S.C. §103(a), Obviousness

Claims 2-4, 6, 17, 18 and 21-22 have been rejected as allegedly unpatentable over Baek (KR 1995-016294, Abstract only) in view of Bittman (How to Cook Everything, pages 41-44, 51, 499-502, 524-525 and 601) and Taka (Green Tea Soup). Applicants have reviewed the rejection and respectfully traverse because no *prima facie* case of obviousness has been presented against the pending claims.

In order to establish a *prima facie* case of obviousness, all claim limitations must be taught or suggested by the prior art. The cited documents do not satisfy this requirement with

respect to the claims as revised. In particular, the cited documents do not disclose or suggest a noodle product that includes oil-free noodles made with flour, potato starch in an amount of 5% to 10% of the total weight of said noodle materials, wheat flour, starch acetate, purified salt, sodium L-glutamate, refined sugar and palm oil which are prepared according to claims 2-5. In addition, the cited documents do not disclose or suggest the inclusion, at a minimum, of sea tangle, the juice of bean sprouts, dried pollack shreds, the juice of radishes, nor do they recite the combinations found in claims 6 and 17-19. The fact that Bittman recites fish, bean sprouts and radishes does not support the specific inclusion of dried pollack or the juice of the vegetables in the claimed inventions.

Furthermore, Applicants submit that the rejection is not supported by a rationale to combine the cited documents to reach the present inventions. While the strict teaching - suggestion - motivation (TSM) test was rejected by the Supreme Court in *KSR v. Teleflex*, there still must be an “articulated reasoning with some rational underpinning to support the legal conclusion” of obviousness. *KSR International Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d 1385, at 1396 (S. Ct. 2007). The Baek document reports the use of a powdered soup that does not include the dried vegetables, vegetable juices, dried fish and other ingredients of the present invention. The Bittman document, in contrast, teaches the preparation of soup stock using fresh or whole ingredients, and thus teaches away from the use of powdered soup mixes. No articulated reason, therefore, has been proposed as to why one of skill in the art would substitute powders for dried ingredients and juices when neither Baek nor Bittman discuss the dried vegetables, vegetable juices, dried fish and other ingredients of the present invention. The Taka document does not remedy this defect. As an initial matter, the Taka document is directed to a rice mixture, and not a broth with noodles. Moreover, the Taka document does not disclose

what is included in the “special Green Tea ingredient,” nor does it disclose whether the ingredients are fresh, dried, solid or liquid. Consequently, the citation of the Taka document does not provide the missing rationale.

Applicants further submit that one of ordinary skill in the art would not recognize a reasonable expectation of success in combining the documents to reach the invention of claims. As explained above, Baek focuses on powdered soup base, while Bittman focuses on fresh and whole ingredients. As a result, the combination would result in the use of a soup base together with fresh or whole ingredients, and not the soup mixes of the present inventions. One of skill in the art would not expect the combination to result in the use of dried or lyophilized ingredients.

Furthermore, Claims 3-5 recite the combination of vegetable juices with a powdered soup base to form a solid or liquid mixture. The Baek and Bittman documents are focused on powdered soup bases and on fresh ingredients, respectively. One of skill in the art would therefore not have a reasonable expectation of success in combining a powdered soup base with a liquid to form a liquid soup base, and even a smaller expectation of success in creating a solid soup base. The Taka document, as explained above, is neutral with respect to the use of a soup base.

For all of the above reasons, Applicants respectfully submit that the obviousness rejections should be withdrawn with respect to the revised claims.

Claims 5 and 19 have been rejected as allegedly unpatentable over Baek (KR 1995-016294, Abstract only) in view of the combination of Bittman (How to Cook Everything, pages 41-44, 51, 499-502, 524-525 and 601), Taka (Green Tea Soup) and Kim (KR 20-0174363,

Abstract only). Applicants have reviewed the rejection and respectfully traverse because no *prima facie* case of obviousness has been presented against the pending claims based on the reasons presented above.

Claim 9 has been rejected as allegedly unpatentable over Baek (KR 1995-016294, Abstract only) in view of Bittman (How to Cook Everything, pages 41-44, 51, 499-502, 524-525 and 601). Applicants note that claim 9 has been canceled, so the rejection may be withdrawn with respect to this claim.

It is believed that the application is now in condition for the issuance of a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR §§ 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

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Respectfully submitted,

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